

FIRST DIVISION

[A.M. No. MTJ-00-1333 (A.M. OCA IPI NO. 97-297-MTJ), November 15, 2000]

LAMBERTO P. VILLAFLOR, COMPLAINANT, VS. JUDGE ROMANITO A. AMATONG, RESPONDENT.

D E C I S I O N

PUNO, J.:

In an affidavit-complaint dated January 27, 1997, complainant Lamberto P. Villaflor charges respondent Judge Romanito A. Amatong, Metropolitan Trial Court, Branch 53, Kalookan City with grave abuse of discretion, serious misconduct, and ignorance of the law for disregarding the Temporary Restraining Order issued by the Court of Appeals in CA-G.R. CV No. 50623.

The instant complaint stems from the following facts:

On February 1, 1993, Biyaya Corporation, a domestic corporation, instituted against complainant Civil Case No. 20555 entitled "Biyaya Corporation v. Lamberto P. Villaflor" for ejectment before the Metropolitan Trial Court (MeTC), Branch 53, Kalookan City, presided by respondent judge. Involved therein were 630 square meters of a large tract of land, known as the Capitol Parkland Subdivision in Novaliches, Kalookan City which Biyaya alleged to be the registered owner of; that these 630 square meters were allegedly entered into by complainant and occupied at the mere tolerance of Biyaya; Biyaya made demands to vacate the property in 1992 but complainant refused to do so.

On September 2, 1993, the MeTC rendered a decision in favor of Biyaya, ordering complainant to immediately vacate the subject property. The dispositive portion of the decision reads:

"WHEREFORE, judgment is rendered in favor of the plaintiff and against the defendant as follows:

1. Ordering the defendant to immediately vacate the subject premises and to return the possession thereof to the plaintiff;
2. Ordering the defendant to pay the sum of five hundred pesos (P500.00) per month computed from plaintiff's last demand up to the time possession is returned to plaintiff;
3. Ordering the defendant to pay the amount of three thousand pesos (P3,000.00) as attorney's fees and to pay the cost of the suit.

SO ORDERED."^[1]

This decision was not appealed, became final and executory, and Biyaya moved for its execution.

On January 5, 1994, complainant filed with the Regional Trial Court (RTC), Branch 131, Kalookan City, presided by Judge Antonio J. Fineza, Civil Case No. C-16300, an original action for "Annulment with Damages and Preliminary Injunction" entitled "Lamberto Villaflor, plaintiff v. Biyaya Corporation, Hon. Judge Romanito A. Amatong, Presiding Judge of MTC, Kalookan City, Branch 53, and the Register of Deeds of Kalookan City, defendants." Complainant alleged that the Capitol Parkland Subdivision, including his 630 square-meter portion, is part of Lot 902 of the Tala Estate, a friar land belonging to the government; that Biyaya's three titles cover land outside Kalookan City which titles are now under investigation by the Office of the Solicitor General and the Lands Management Bureau. Complainant thus prayed for annulment of the titles of Biyaya Corporation on the ground of fraud, and the annulment of the decision of respondent Judge Amatong in Civil Case No. 20555 for lack of jurisdiction.^[2]

On February 22, 1994, the RTC enjoined the execution of the decision of the MTC. On September 22, 1995, the RTC rendered a decision dismissing the complaint, thus:

"WHEREFORE, in view of all the foregoing, judgment is hereby rendered in favor of defendant Biyaya Corporation and against plaintiff Lamberto Villaflor as follows:

1. The instant complaint is dismissed for lack of merit;
2. The writ of preliminary injunction issued in this case is hereby dissolved;
3. The counterclaim of defendant Biyaya Corporation is likewise dismissed.

SO ORDERED."^[3]

Complainant moved for reconsideration but this was denied. Complainant appealed the decision of the RTC to the Court of Appeals in CA-G.R. CV No. 50623.

Meanwhile, Biyaya Corporation filed before the MeTC a "Motion for Issuance of a Writ of Execution and/or Demolition." This was opposed by complainant. On August 13, 1996 however, the MeTC ordered the issuance of a writ of demolition.

Complainant forthwith filed with the Court of Appeals an "Urgent Ex-Parte Motion for Issuance of a Temporary Restraining Order" to prevent the demolition of his family house on the subject land. In a Resolution dated December 27, 1996, the Court of

Appeals, Thirteenth Division,^[4] granted the issuance of a Temporary Restraining Order (TRO). That same day the TRO was issued by the Division Clerk of Court.

Notwithstanding the TRO, respondent judge issued on January 9, 1997 an order directing the Branch Sheriff to implement the writ of demolition. The following day, January 10, complainant's family house was demolished.

On January 14, 1997, complainant filed with the Court of Appeals an "Urgent Motion to Cite Defendants-Appellees for Contempt and for Issuance of Mandatory Injunction." Named as respondents in the motion were Judge Amatong, two sheriffs, Atty. Alvin Sarita, counsel for Biyaya Corporation, officers of Biyaya Corporation, a certain Jojo, an alleged son-in-law of Judge Amatong, the SWAT Team of the Philippine National Police Northern District Command, and the Halcon Security Agency. Complainant alleged that the demolition of his family home was made in wanton disregard of the TRO issued by the Court of Appeals. Complainant prayed that the respondents be cited in contempt of court and ordered to immediately restore his family home to its former condition and to pay damages worth P5 million and P55,000.00 for lost valuables.^[5] Attached to the motion were photographs showing the complainant's house before, during and after the demolition.^[6]

In the meantime, in December 1996, the Solicitor General, on behalf of the Republic of the Philippines, instituted Civil Case No. Q-96-29810 with the Regional Trial Court, Branch 85, Quezon City for annulment of the titles of Biyaya Corporation^[7] over the Tala Estate and reversion of the land to the government.^[8]

On January 22, 1997, the Court of Appeals ordered Biyaya Corporation, thru its counsel, Atty. Alvin Sarita, and respondent Judge Amatong to show cause why they should not be cited in contempt, and to comment on complainant's prayer for the issuance of a writ of mandatory injunction.

Respondent judge and Biyaya Corporation filed their Comment separately. On January 29, 1997, a hearing was conducted where the parties, their respective counsels, and a representative of the Solicitor General appeared before the Court of Appeals and argued their respective claims.

In a Resolution dated February 20, 1997, the Court of Appeals found respondent Judge Amatong, Biyaya Corporation and Atty. Sarita guilty of contempt of court and fined them P30,000.00 each. Atty. Sarita was likewise reprimanded without prejudice to further administrative action. The appellate court also granted the issuance of a writ of preliminary mandatory injunction ordering Biyaya Corporation and Judge Amatong to immediately restore complainant's demolished family house or to return to the latter the amount of P400,000.00,^[9] the estimated value of the house as soon as possible, and place him in possession of the subject land. The court also ordered all armed security guards of Halcon Security Agency, the SWAT men of the Northern Police District, the Sheriff of respondent judge, and a certain Jojo, alleged son-in-law of respondent judge, to stay away from the subject area. To quote:

"WHEREFORE, in light of the foregoing disquisitions, defendants-appellees *Biyaya Corporation and MTC Judge Ramonito Amatong and*

their counsel, Atty. Alvin Sarita are hereby adjudged GUILTY OF CONTEMPT OF COURT as they are hereby fined to pay the amount of P30,000.00 each as per *SC Administrative Circular No. 22-95, amending Section 6, Rule 71 of the Rules of Court*, with a warning that repetition of the same or similar acts will be dealt with more severely.

Atty. Alvin Sarita is likewise REPRIMANDED for his contemptuous or improvident act despite receipt of our Restraining Order, without prejudice to any further administrative sanction the injured party may seek in the proper forum.^[10]

Accordingly, the prayer for the issuance of a writ of preliminary mandatory injunction in the motion for contempt, considering the existing laws, SC Circulars and pertinent jurisprudence, is hereby GRANTED. Upon the posting by plaintiff-appellant of a bond in the amount of P50,000.00 to be approved by this court, let a *writ of preliminary mandatory injunction forthwith issue*, ordering the defendants-appellees *Biyaya Corporation and MTC Judge Romanito Amatong*, to immediately restore the recently demolished family house of plaintiff-appellant Lamberto Villaflor or to return to the injured party the estimated value soonest possible; to place plaintiff-appellant Villaflor in the very land on which the family house was previously erected immediately; and to order as it is hereby ordered that *all armed security guards under Halcon Security Agency, all SWAT men of the Northern Police District under the command of Chief Supt. Florencio Cruz, and the sheriff* of defendant-appellee Amatong, and a certain Jojo, alleged son-in-law of Judge Amatong, acting in their behalf, *to stay far away or outside the very area of the demolished family house* of plaintiff-appellant, to avoid disturbing in any way the peaceful possession of plaintiff-appellant in the said area, until further orders from this court.

SO ORDERED."^[11]

Respondent Judge Amatong and Atty. Sarita filed separate motions for reconsideration which were denied on August 27, 1999.^[12]

Respondent judge questioned the Court of Appeals Resolution before us in G.R. No. 139890. The petition was denied for late filing in our Resolution of October 13, 1999.^[13] Reconsideration was also denied on November 24, 1999, and judgment entered on December 15, 1999.^[14]

On August 11, 2000, respondent judge paid the fine of P30,000.00.^[15]

Meanwhile, complainant filed the instant case. On November 15, 1999, this Court resolved to refer the administrative complaint to Executive Judge Bayani S. Rivera, RTC, Kalookan City for investigation, report and recommendation. On January 17, 2000, a hearing was conducted by Judge Rivera where the parties and their counsels made several stipulations.^[16]

On March 1, 2000, Judge Rivera submitted his report to this Court. Judge Rivera adopted the findings of the Court of Appeals in the contempt case, said findings